

# CITY OF ROSENBERG

## REGULAR COUNCIL MEETING MINUTES

On this the 17<sup>th</sup> day of June, 2014, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Regular Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

### PRESENT

Cynthia McConathy	Mayor Pro Tem
William Benton	Councilor at Large, Position 1
Jimmie J. Pena	Councilor, District 1
Susan Euton	Councilor, District 2
Dwayne Grigar	Councilor, District 3
Amanda Bolf	Councilor, District 4

### ABSENT

Vincent M. Morales, Jr.	Mayor
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### STAFF PRESENT

Robert Gracia	City Manager
Linda Cernosek	City Secretary
Lora Lenzsch	City Attorney
John Maresh	Assistant City Manager for Public Services
Jeff Trinker	Executive Director of Support Services
Joyce Vasut	Executive Director of Administrative Services
Angela Fritz	Executive Director of Information Services
Travis Tanner	Executive Director of Community Development
Charles Kalkomey	City Engineer
Dallis Warren	Police Chief
Wade Goates	Fire Chief
Darren McCarthy	Parks and Recreation Director
Randall Malik	Economic Development Director
James Lewis	Director of Technology
Kaye Supak	Executive Assistant

**The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by Title 5, Chapter 551, of the Texas Government Code.**

### CALL TO ORDER.

Mayor Pro Tem McConathy called the meeting to order at 7:00 p.m.

### INVOCATION AND PLEDGE OF ALLEGIANCE.

Charles Kalkomey, City Engineer gave the invocation and led the pledge of allegiance to the flag.

### GENERAL COMMENTS FROM THE AUDIENCE.

***Citizens who desire to address the City Council with comments of a general nature will be received at this time. Each speaker is limited to three (3) minutes. In accordance with the Texas Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.***

### COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEMS.

***Citizens who desire to address the City Council with regard to matters on the Consent Agenda or Regular Agenda will be received at the time the item is considered. Each speaker is limited to three (3) minutes. Comments or discussion by the City Council Members will only be made at the time the agenda item is scheduled for consideration. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.***

## CONSENT AGENDA

### 1. REVIEW OF CONSENT AGENDA.

*All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a City Council Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.*

- A. **CONSIDERATION OF AND ACTION ON REGULAR MEETING MINUTES FOR MAY 20, 2014, AND SPECIAL MEETING MINUTES FOR MAY 22, 2014.**
- B. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-27, AN ORDINANCE GRANTING CONSENT TO THE FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 144 FOR THE ISSUANCE OF A BOND ANTICIPATION NOTE, SERIES 2014, IN AN AMOUNT NOT TO EXCEED \$2,000,000.**

**Executive Summary:** Ordinance No. 2014-27 grants the City's consent to Fort Bend Municipal Utility District No. 144 to sell a Bond Anticipation Note (BAN), Series 2014, in an amount not to exceed \$2,000,000.

On May 06, 2003, Starwood Development, LLC, submitted a petition to the City to create a Municipal Utility District that included approximately 358.48 acres located primarily within the Corporate Limits of the City, with approximately 35.46 acres lying outside the City and outside the Extraterritorial Jurisdiction of the City of Rosenberg, to be known as Fort Bend County Municipal Utility District No. 144. Accordingly, the Petition for Consent and associated Ordinance No. 2003-21 were approved by City Council at that time. Subsequently, City Council approved Ordinance No. 2005-32 on December 13, 2005, expanding the District's territory by 173.34 acres, approved Ordinance No. 2006-18 on July 18, 2006, expanding the District's territory by an additional 1.5369 acres, and approved Ordinance No. 2010-14 on June 1, 2010, again expanding the District's territory by an additional 6.00 acres. The District is located south of Reading Road and east of FM Highway 2977.

Following is a list of previous Unlimited Tax Bond Sales and Bond Anticipation Notes (BAN) that have been approved by City Council:

- Ordinance No. 2006-39 - City Council approved the District's first bond sale in the amount of \$2,815,000 on December 05, 2006.
- Ordinance No. 2007-48 - City Council approved the District's BAN in the amount of \$1,650,000 on October 16, 2007. The BAN was subsequently repaid out of the bond sale authorized under Ordinance No. 2008-21.
- Ordinance No. 2008-21. City Council approved the District's second bond sale in the amount of \$3,030,000 on October 07, 2008.
- Ordinance No. 2012-38 - City Council approved the District's BAN in the amount of \$1,301,500 on November 06, 2012. The BAN approved by City Council under Ordinance No. 2012-38 was subsequently repaid out of the Series 2013 bond sale under Ordinance No. 2013-24.
- Ordinance No. 2013-24 - City Council approved the District's third bond sale in the amount of \$2,695,000 on May 07, 2013.

The District intends to submit a fourth Bond Application Report to the Texas Commission on Environmental Quality requesting permission to issue and sell \$3,400,000 in Unlimited Tax Bonds, Series 2015, before the end of 2014. Prior to the sale and issuance of these Bonds, the District has requested the City's consent to the issuance of a Bond Anticipation Note, Series 2014, in an amount not to exceed \$2,000,000. The BAN will be repaid out of the proceeds from the anticipated Bond sale. Please see the attached correspondence outlining the District's proposed use of the Bond proceeds.

Staff has reviewed the documentation and found it to be in compliance with applicable City ordinances. Staff recommends approval of Ordinance No. 2014-27, granting consent for the sale of the Bond Anticipation Note, Series 2014.

**Action:** Councilor Grigar made a motion, seconded by Councilor Euton to approve the Consent Agenda Items A and B. The motion carried by a unanimous vote of those present.

## REGULAR AGENDA

### 2. REVIEW AND DISCUSS THE PROPOSED APPLICATION TO THE TEXAS MAIN STREET PROGRAM, AND TAKE ACTION AS NECESSARY.

**Executive Summary:** Proposed participation in the Texas Main Street Program (Program) was presented to  
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City Council at the May 27, 2014 Workshop. At that time, City Council directed staff to move forward and to provide additional detail. The application process involves coordination between the business community, City staff, and downtown stakeholders.

This item has been added to offer City Council the opportunity to review one of the most important components of the application, the proposed Budget, in advance of completion of the application. A draft Budget was included in the agenda packet for review. Staff is seeking City Council's feedback regarding the Budget and/or other areas of the Program.

A final application will be submitted for City Council's review and consideration in July, in advance of the application's due date, July 31, 2014. If the application is accepted by Texas Main Street Program, the Program and Budget would be implemented in January FY2015.

***Key discussion points:***

- Randall Malik, Economic Development Director explained the Main Street Program. An estimated annual cost of the Program is \$80,000. This would fund the Main Street manager and all of the activities associated with the local Main Street Program. Recommendation is being made to use primarily Hotel Occupancy Tax (HOT) funds to fund the program. There are nine different criteria of the HOT tax that cities can use to justify utilizing HOT taxes. We feel the Main Street Program dovetails into three of those programs in particularly promoting tourism in the main street area; promoting the arts in the Cultural Arts District; as well as the encouragement of historical preservation.

***The following speakers addressed the item:***

- Shaunta Kuhl, 515 Olive Street, Wharton, Texas addressed Council regarding the Main Street Program. The Chamber ran a Resolution of Support for the Main Street Program through their Governmental Affairs Department. The following Chamber Representatives were present:
- Jim Russ, Chairman of Governmental Affairs
- Barry Beard, Chairman of the Board
- Leann Dawson, Director of Historic Downtown Rosenberg Division on staff side for the Chamber
- Shaunta Kuhl read the Resolution in support of the Main Street Program and thanked Council for their consideration of the item.

***Questions:***

- Councilor Euton asked if this will take away from our current HOT budget. The Civic Center is funded from that fund. Will we have enough to be able to do this program in addition to the Civic Center?
- Joyce Vasut, Executive Director of Administrative Services stated the HOT funds bring in from \$500,000 to \$600,000 annually. We are providing over \$200,000 to the Civic Center. There are some operational dollars available and enough to cover this program. There should not be a problem fitting this addition into that budget.
- Councilor Euton stated she would support this resolution.
- Councilor Pena stated he thinks this is an overdue program. We need to help the people in the historical area. Anything we can do to promote that would be good and he supports it. Randall Malik has done a good job with bringing in the sources and we appreciate what has been done.
- Councilor Grigar stated he was not present for the Workshop but he has done research and his questions were answered. He thinks it would be money well spent for HOT funds. This Program has to go on for three years--is that through the Historical Commission and who oversees that? In this budget we have funds for a year. When would this be implemented?
- Randall Malik stated it is local control. We are just committing that we will have a local board for a period of three years. We would join the Program January 1, 2015.
- Councilor Bolf stated she hopes this Program will bleed over to Avenue H and help bring in businesses to help the area.
- Councilor Benton asked where this employee would be based and do we have room? Would there be additional cost to office this person? Will this person be responsible to help fundraising for their own position? How do we track the benefits of this position?
- Randall Malik stated he addressed that with the state coordinator regarding options. It is preferred that it is housed downtown but we have the flexibility of anywhere in the City. There would not be additional cost if we kept them in the City Hall.
- Robert Gracia, City Manager stated we are doing a complete assessment of City Hall and the Parks Department regarding space. He is optimistic that we will find space and make it work.
- Randall Malik stated yes they would raise money for their own position. Their title would be Main Street Manager and at the bottom of the budget there is some fundraising type projects they would participate in. For these projects in particular; he has seen Main Street Programs do fundraising and there would

be a fundraising aspect to the Program.

- Benefits of this position could be tracked. Joyce Vasut is working with the downtown sales tax and it is broken out. Over time if that sales tax increased it would mean business activity would increase in the downtown area.
- Councilor Benton stated if after three years it was seen to not be beneficial Council could determine whether or not they wish to renew.
- Randall Malik stated yes.
- Councilor Benton referenced the Cultural Arts and stated if for some reason the Cultural Arts is no longer there in a year or more what would you comment about that.
- Randall Malik stated he has referred to it as the Cultural Arts District itself and not a particular entity.
- Mayor Pro Tem McConathy stated the only outstanding question is who this person would report to, but between Council and the City Manager we can determine that before January.

**Action:** Councilor Euton made a motion, seconded by Councilor Bolf to approve the proposed application to the Texas Main Street Program. The motion carried by a unanimous vote of those present.

3. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1791, A RESOLUTION APPROVING THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND GRANT OF EASEMENTS FOR ROSENBERG BUSINESS PARK.**

**Executive Summary:** The City of Rosenberg, Rosenberg Development Corporation (RDC), and Rosenberg Business Park, LTD, executed a Development Agreement (Agreement) on March 01, 2013. As a condition of Section 2 of the Agreement, the developer is required to submit deed restrictions for the property to the City for approval. Among other items, the deed restrictions will restrict the 184 acres to an industrial and distribution business park, along with retail sales associated with the industrial and distribution uses and will provide other standards that address the quality of development in the Rosenberg Business Park.

The Declaration of Covenants, Conditions and Restrictions and Grant of Easements for Rosenberg Business Park is attached to Resolution No. R-1791 as Exhibit "A". Staff recommends approval of Resolution No. R-1791 as presented.

**Key discussion points:**

- Randall Malik gave a PowerPoint presentation regarding the item.
- **Use Restrictions**
- Sec 2.1: Requires that the property is used solely for commercial uses (light industrial, manufacturing, distribution, etc.,)
- Sec 2.2: No temporary building shall be permitted without City approval.
- **Signage Restrictions**
- Sec 2.3: Signs are limited to one per building.
- *No pole signs, banners, or temporary signs are permitted.*
- **Screening Requirements**
- Sec 2.9: Requires all outside storage areas be screened:
- Coated chain link fence with slats; and
- *Screened from the street or other property by slats or trees and shrubs.*
- **Buildings Standards Requirements**
- Sec 5.5: Requires front building elevation to consist of 100% masonry, glass, or a combination thereof.
- *Limits the total height of a building to 70ft.*
- **Loading Dock Restrictions**
- Sec. 5.6: Limits the location of loading docks on side of buildings.
- *"The location of loading docks or loading areas shall be in the rear or side of the building or, if in the front of the building, a minimum of 50 feet from any street and screened similar to outside storage areas as described in Section 2.9."*
- **Landscaping Requirements**
- Minimum of 15% of lot to be landscaped using trees, shrubs, or grass.
- 1 street tree for each 30 feet of lot width along business parks main road.
- 2 parking lot trees to be provided for every 10 parking spaces.
- All landscape area to be irrigated 100% using permanent underground irrigation system.
- **City Standards**
- *Use Restrictions, Signage, Screening, Building Standards, Loading Dock Restrictions & Landscaping Requirements*
- Each Negotiated Component Exceeds Existing City Standards.

**Questions:**

- Councilor Benton asked if the RDC has approved the changes to the architectural.
- Randall Malik explained the RDC is aware of the changes and are comfortable with them. We did not need to take it to the RDC for formal approval.
- Councilor Benton stated he would feel more comfortable if this was discussed with the RDC before Council approval. He does not feel comfortable voting on it at this time.
- Councilor Bolf stated she does not have any questions if the RDC agrees with it. Since it is going to be kept commercial only it will help. The airport was there first and she does not want to have issues with the type of airport it is and she wants to make sure that that business is protected.
- Councilor Grigar stated the RDC had questions about the percentage of masonry and utilizing screening. What does "in grant of easements" mean?
- Lora Lenzsch, City Attorney stated the easements are in Article 6 and those are for the developer in case he needs different type of access for placing the internal utilities. He is telling anyone that purchases one of those tracts that he has the right to get an easement whether they agree with it or not so he can continue the development. It is solely for his purpose.
- Councilor Grigar asked if all the other utilities will be on each parcel?
- Lora Lenzsch stated that was addressed in the development agreement with the City as far as any easements that the City was going to be obtaining from the developer. It is separate from the deed restrictions.
- Councilor Pena concurred with Councilor Benton. Anytime we make any changes and another entity is involved like the RDC to pass something without showing the committee what changes we ask for the money coming from the RDC he feels this is something that needs to be presented to the RDC.
- Randall Malik clarified that the RDC at the May meeting received a memorandum that addressed all of the changes made to the agreement but it was not on the agenda for formal action.
- Councilor Euton agreed in part with Councilors Benton and Pena but she stated in the interest of time and not hold up the process that Council approve this contingent upon RDC approval to show that we agree but let them have the final say and if they didn't like it they could put a hold on it but then it would not have to come back to Council.

**Action:** Councilor Euton made a motion, seconded by Councilor Benton to approve, Resolution No. R-1791, a Resolution approving the Declaration of Covenants, Conditions and Restrictions and Grant of Easements for Rosenberg Business Park contingent on the Rosenberg Development Corporation (RDC) approval. The motion carried by a unanimous vote of those present.

4. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1806, A RESOLUTION APPROVING CERTAIN LOCAL ENHANCEMENTS ALONG THE US HWY 59 / I-69 EXPANSION PROJECT CORRIDOR, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, ALL NECESSARY DOCUMENTS REGARDING SAME.**

**Executive Summary:** This item has been added to the Agenda to offer City Council the opportunity to consider approval of local enhancements to the bridge retaining walls that will be constructed along the US Hwy 59 / I-69 corridor as a part of the current expansion project. Specific enhancement opportunities include the addition of a precast concrete medallion on which the City would be allowed to paint the City seal. The medallion would be approximately seven (7) feet in diameter and would be raised approximately two (2) inches from the retaining wall surface. The attached bridge retaining wall shop drawings provide two (2) options to choose from and staff is requesting guidance from City Council.

- Option "A" – precast form one-time cost of approximately \$10,000
- Option "B" – precast form one-time cost of approximately \$20,000

If City Council approves one of these options, the Texas Department of Transportation (TxDOT) Area Engineer has agreed to seek TxDOT approval to include the cost as a part of the construction project. If the request is not approved, either the City and/or Rosenberg Development Corporation would be responsible for the cost. According to TxDOT, the medallion would be installed at the following intersections:

- Cottonwood Church Road
- Kroesche Road
- Bamore Road
- SH 36
- FM 2218
- Reading Road

A second enhancement opportunity is the selection of a paint scheme for the bridge retaining walls. A paint scheme has not been identified as of this date, but a decision would have to be made in the near future. In order to accommodate the local enhancements, TxDOT may require the City to enter into an Agreement that would

identify the City's responsibility to fund and construct said local enhancements located within the TxDOT right-of-way and to be responsible for all future maintenance costs. If required by TxDOT, the Agreement would be placed on a future Agenda for consideration.

The decision to add the medallion would have to be made at this time as the precast panel manufacturer is ready to start production.

This is a one-time opportunity for the City to implement a "branding" scheme that will set Rosenberg apart from other cities and will be sustainable for the life of the bridges. The option selected by City Council will be attached to Resolution No. R-1806 as Exhibit "A".

**Key discussion points:**

- John Maresh, Assistant City Manager for Public Services read the Executive Summary and gave an overview of the item.
- Robert Dody, Texas Department of Transportation (TxDOT) gave a presentation on the available options.
- John Maresh pointed out Option A is \$10,000 and the remaining cost would be painting the medallion at a cost of \$470.00 per emblem.
- The general consensus of Council was to move forward with Option A.

**Action:** Councilor Euton made a motion, seconded by Councilor Benton to approve Option A and Resolution No. R-1806, a Resolution approving certain local enhancements along the US Hwy 59 / I-69 Expansion Project corridor, and authorizing the City Manager to negotiate and execute, for and on behalf of the City, all necessary documents regarding same. The motion carried by a unanimous vote of those present.

5. **REVIEW AND DISCUSS THE TECHNOLOGY STRATEGIC PLAN, AND TAKE ACTION AS NECESSARY.**

**Executive Summary:** Due to Departmental transition, a Technology Department Strategic Plan was not presented to or adopted by City Council. James Lewis, the City's Director of Technology, has worked diligently since his start with the City in early May to complete a Departmental assessment, and to map out a Strategic Plan for future Departmental development.

The Plan aims to set the course for development of *digital city* capabilities while building skills and capacities in-house, and leveraging technology to provide better organizational controls and resource management, and improved systems and service delivery in order to meet the City's strategic goals.

The Technology Department Strategic Plan will be presented for City Council's review and consideration.

**Key discussion points:**

- Angela Fritz, Executive Director of Information Services gave a brief overview of the item.
- James Lewis, Director of Technology presented the Technology Strategic Plan and outlined the goals.
- Mayor Pro Tem McConathy stated this is a great plan with such short notice and thanked James Lewis for his efforts.

**Action:** Councilor Euton made a motion, seconded by Councilor Grigar to adopt the Technology Strategic Plan. The motion carried by a unanimous vote of those present.

6. **REVIEW AND DISCUSS TECHNOLOGY PERSONNEL NEEDS, AND TAKE ACTION AS NECESSARY.**

**Executive Summary:** As presented in the Technology Department Strategic Plan, based on industry standards and organizational needs, the Department is drastically understaffed. This has led to an unstable, reactionary environment focused on mainly desktop support instead of proactive systemic solutions.

Staff recommends immediately creating the following position:

- Technology Specialist (position reassigned to another Department in 2012)

The total annual estimated cost for the position including benefits is: \$60,314. A budget adjustment to fund the position is included as an upcoming Agenda item for City Council consideration. The second and third necessary positions, Administrative Assistant, and Database/Systems Administrator, are included as part of the proposed FY2015 Budget Priorities.

**Key discussion points:**

- Angela Fritz gave an overview of the item and presented the needs/justification for the requested position.

- The general consensus of Council was to proceed with the request by staff to add one (1) Technology Specialist position at this time.

**Action:** Councilor Bolf made a motion, seconded by Councilor Grigar to approve one Information Technology Specialist position. The motion carried by a unanimous vote of those present.

7. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1804, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, BUDGET AMENDMENT 14-15 IN THE AMOUNT OF \$15,079.00 FOR THE ADDITION OF AN INFORMATION TECHNOLOGY SPECIALIST.**

**Executive Summary:** In the previous Agenda item, Executive Director of Information Services, Angela Fritz, requested the addition of an Information Technology Specialist. If City Council authorizes the position, a Budget Amendment is needed to fund this position for the remainder of FY2014.

Budget Amendment 14-15, in the amount of \$15,079.00 will provide funding for an Information Technology Specialist for the remainder of FY2014.

Budget Amendment 14-15 is included as Exhibit "A" to Resolution No. R-1804. In order to add this position in FY2014, staff recommends approval of Resolution No. R-1804 as presented.

**Key discussion points:**

- Joyce Vasut read the Executive Summary regarding Resolution No. R-1804.

**Action:** Councilor Grigar made a motion, seconded by Councilor Euton to approve Resolution No. R-1804, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Budget Amendment 14-15 in the amount of \$15,079.00 for the addition of an Information Technology Specialist. The motion carried by a unanimous vote of those present.

8. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1801, A RESOLUTION APPROVING CAPITAL IMPROVEMENT PLAN PRIORITIES FOR FY2015.**

**Executive Summary:** During the FY2015 Budget process, staff reviewed the current Capital Improvement Plan (CIP) and is recommending that a total of twenty-five (25) projects be addressed in FY2015. Exhibit "A" to Resolution No. R-1801 lists the twenty-five (25) individual projects. The Planning Commission met on May 21, 2014, and also recommended approval of the projects proposed for the FY2015 CIP. These projects were also presented to City Council at the May 27, 2014 City Council Workshop.

Existing or proposed funding is available for all or a portion of twenty (20) of the Capital Projects that will be addressed in FY2015. There are two (2) projects for which funding needs have not been determined. The three (3) remaining Capital Projects are not completely funded. Funding for these projects may include the issuance of Certificates of Obligation or other funding sources. Funding for these projects will be addressed during FY2015.

Approval of Resolution No. R-1801 will establish the City's FY2015 Capital Improvements Plan and allow for the projects to be properly included in the proposed FY2015 Budget. Staff recommends approval of Resolution No. R-1801.

**Key discussion points:**

- Joyce Vasut gave an overview of the item regarding Resolution No. R-1801 and the City's FY 2015 Capital Improvements Plan.

**Questions:**

- Councilor Benton expressed concern with #11 – Traffic signal Reading Road at Town Center Boulevard and asked how urgent it is.
- John Maresh explained that is tied to a development agreement. The developer that is working on the project from Fire Station 2 will trigger when they have to put up fifty percent (50%) of the money for that traffic signal. There is a timeframe by which the City has to come up with the remaining fifty percent (50%). They are getting close to the triggering point.
- Councilor Grigar asked if the items are the twenty-five in each of the two areas that surfaced to the top.
- Joyce Vasut explained staff looked at the 2014 list and any projects that were not complete or not substantially complete by September 30<sup>th</sup> were left on the list. Staff then looked at 2015 in the five year plan and pulled those out that staff felt needed to rise to the top. A lot of these are projects that are started that we need to complete that we have County mobility funding. We need to move on that project so we do not lose the funding. #11 that was referred to is based on the development agreement

that we think will need action during FY2015. The developer will pay one-half and we have requested the other half from the RDC.

- Items 15, 16, and 17 are all GRP projects that are part of the Subsidence mandate we need to get done. At this time, all except three are funded in one way or another with available funds. The other three, which is Airport Road and Bryan Road that was discussed at the Workshop meeting. Airport Road and Bryan Road will need additional funding and we discussed certificates of obligation and Council felt they could agree to that. Staff will bring back those options along with the budget. The majority of these will be funded in the fiscal year.

**Action:** Councilor Grigar made a motion, seconded by Councilor Euton to approve Resolution No. R-1801, a Resolution approving Capital Improvement Plan Priorities for FY2015. The motion carried by a unanimous vote of those present.

9. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1802, A RESOLUTION APPROVING CAPITAL IMPROVEMENT PLAN PRIORITIES FOR FY2016 TO FY2019.**

**Executive Summary:** Pursuant to the City Charter which requires a five-year Capital Improvement Plan (CIP), staff has prepared a proposed schedule for Capital Projects in FY2016, FY2017, FY2018 and FY2019. The development of the CIP for FY2016 to FY2019 is based on several factors, including but not limited to:

- Deadline for compliance with the Fort Bend Subsidence District mandate,
- Availability of Fort Bend County Mobility Funds,
- Possibility of a City Bond Election in 2015,
- Results of the City Facilities Assessment, and
- Needs Identified in the Five Year Strategic Plan.

The proposed FY2016-FY2019 CIP was attached to Resolution No. R-1802 as Exhibit "A" and will allow City Council to approve the proposed FY2016-FY2019 Capital Improvement Plan for the City of Rosenberg. Staff recommends approval of Resolution No. R-1802.

**Key discussion points:**

- Joyce Vasut gave an overview of the item regarding Resolution No. R-1802. Exhibit A to Resolution No. R-1802 was included in the agenda packet.

**Questions:**

- Councilor Euton – FY2017 Streets and Drainage – 3<sup>rd</sup> Street at Intersection with Avenue E – what does that entail?
- John Maresh stated this is a carryover project that has been on the CIP for several years and has never been ranked high enough to be funded. It is at the intersection of 3<sup>rd</sup> Street where there is a rise in the street and a hump as you approach Avenue N. It would be to cutout that section of 3<sup>rd</sup> Street and reconstruct it.
- FY2018 – Brooks Avenue what is the plan?
- This is a long range future project that was placed on the list recently. That would be an improvement project to reconstruct that street with curb and gutter.
- FY 2019 – Klauke Road extension – is that still on our radar?
- It is long range for 2019. There have been discussions about addressing some connectivity and other ways.
- FY2018 – Brazos River Trail Project – Councilor Euton stated she objected to that project because some of the residents would be displaced in the north area of town.
- Darren McCarthy, Director of Parks and Recreation stated it has nothing to do with residential displacement. It is a paddle trail utilizing the resources of the Brazos River. Fort Bend Green at the direction of Judge Hebert just completed a three year master plan study of that. Councilor McConathy was part of the group in the Rosenberg segment. That will be coming to Council in a future Workshop after the budget is complete. Mayor Morales, Councilor McConathy and Robert Gracia have copies of that master plan. Staff plans to distribute to Council when it is brought to Council in a Workshop.
- Councilor Grigar – FY2018 – Streets and Drainage – Avenue C Extension; Avenue D Street Paving and Drainage – is that in connection to get an east/west connection because of railroad crossing closures?
- John Maresh stated that is specifically the crossing and east to Rawson Road and would connect there. That is the only access in and out over that grade crossing that would provide that connectivity.
- Avenue D – this is long range. We have been focusing with our CDBG funds to try to get the infrastructure of the sanitary sewer replaced. The application we have before the County now is for waterline replacements. We hope to complete that in the next 3 to 5 years and then we could do some street and sidewalk improvements.



- Councilor Benton – FY 2018 – move Avenue D street paving and drainage up. Move up Avenue N, Tobola Street, Avenue O and Avenue P. Re-evaluate Avenue F and Jeanetta street drainage and improvements. Concern with 3<sup>rd</sup> Street intersection with Avenue M – does not see a problem there.
- John Maresh states that 3rd Street intersection with Avenue M is a carryover project that has been on the list.
- FY2017 – FM 723 from Highway 90 to FM 359 TxDOT – is that part of our funding?
- The reason some of those projects are on the list is in support of TxDOT. If that project becomes a priority and there is some funding available by TxDOT, TxDOT looks for support from the local communities.
- Mayor Pro Tem McConathy recapped the item. Council was asked to review this because we are required every five years and to adopt this plan, however; next year, Council's ranking could change a lot of this and is subject to changing each year.

**Action:** Councilor Benton made a motion, seconded by Councilor Grigar to approve Resolution No. R-1802, a Resolution approving Capital Improvement Plan Priorities for FY2016 to FY2019. The motion carried by a unanimous vote of those present.

10. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1803, A RESOLUTION APPROVING FY2015 BUDGET PRIORITIES.**

**Executive Summary:** As part of the FY2015 Budget process, each Department was asked to submit their needs, not including operational expenses, for FY2015. The needs were submitted as either a (1) capital request (over \$100,000), (2) a supplemental request (under \$100,000) or (3) a personnel request. The majority of the items requested were identified during the strategic planning process.

Once the requests were compiled, City management (Department Directors) met and prioritized the requests. A listing of requests, as prioritized by management, has been included for your review along with each individual request form, as submitted by the Departments.

The Budget Priorities were presented at the May 27, 2014 City Council Workshop for discussion.

Resolution No. R-1803, allows City Council to approve the Budget Priorities for FY2015. This Resolution allows City staff to determine the number of items that can be funded and included in the proposed FY2015 Budget. Staff recommends approval of Resolution No. R-1803.

**Key discussion points:**

- Joyce Vasut gave an overview of the item regarding Resolution No. R-1803.
- The City Secretary shelving will not be funded until the facilities assessment is complete. Some of the items have different funding sources and may not fund in the order presented.

**Action:** Councilor Euton made a motion, seconded by Councilor Grigar to approve Resolution No. R-1803, a Resolution approving FY2015 Budget Priorities. The motion carried by a unanimous vote of those present.

11. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1799, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, BUDGET AMENDMENT 14-13 IN THE AMOUNT OF \$3,640,270.00, TO FUND THE CITY'S PORTION OF THE ROSENBERG BUSINESS PARK, ADDITIONAL AWARDS FOR THE BUSINESS ASSISTANCE GRANT PROGRAM, AND POLICE VEHICLE COMPUTER REPLACEMENTS.**

**Executive Summary:** During the March 13, 2014 meeting of the Rosenberg Development Corporation (RDC), the Board approved Resolution No. RDC-88, approving the Budget Amendment to fund \$1,700,000 for the City's portion of the Rosenberg Business Park Project. The Funding Agreement between the City of Rosenberg and the RDC stated that the RDC would advance the City's portion of the funding for the Rosenberg Business Park and the City would reduce the debt due to the City from the RDC by the same amount.

During the May 12, 2014 meeting of the Business Assistance Grant Review Committee, additional grants were awarded to local businesses. In FY2011, \$100,000 was allocated for the Business Assistance Grant. This budget adjustment will budget the remaining balance of \$56,269.61 to fund additional Business Assistance Grants in FY2014.

The Rosenberg Police Department CJIS compliance has determined that twenty (20) Mobile Data Terminals (MDTs), currently installed in active patrol vehicles will not meet the security requirements mandated by the State of Texas at the end of December 2014. These vehicles are contributing to the Fleet Replacement Fund, which includes the replacement of the MDTs. It is recommended to replace the non-compliant MDTs in this

fiscal year and when the vehicle comes up for replacement the MDT will be reassigned to the new replacement vehicle.

Budget Amendment 14-13 was included as Exhibit "A" to Resolution No. R-1799. Staff recommends approval of Resolution No. R-1799 as presented.

**Key discussion points:**

- Joyce Vasut gave an overview of the item regarding Resolution No. R-1799 and explained the Budget Amendment.

**Questions:**

- Councilor Benton asked what is the overtime building fund.
- It is an accounting terminology and is something other than a building.
- Would the Business Assistance Grant be to pay for what the Committee has already approved?
- It is to put the budget in place for grants the Committee approved.
- What is the \$1.7 million for the Business Park for?
- We have a development agreement that states that the City and the RDC will provide water, sanitary sewer, roads and other infrastructure at a 50/50 split between the City and the RDC. The City asked the RDC to advance fund the City's portion and the City would reduce the RDC's debt by that amount. That means that RDC is funding the entire \$3.4 million and we will forgive them \$1.7 million of their debt. RDC is using their cash to pay the \$3.4 million. The City will pay RDC back by reducing their debt payment to the City.
- Is this agreement in compliance with Section 8.02 of the Charter?
- Lora Lenzsch, City Attorney explained the agreement was made several years ago. She assumes the City was in compliance with the Charter. She believes that part of the Charter was amended in the last Charter election. The City has already approved this amount and you are budgeting pursuant to the development agreement but that will be left to Council's discretion.
- Mayor Pro Tem McConathy explained that the RDC according to its Charter and By-Laws is allowed to do that.
- Councilor Grigar added it was for economic development. There was a caveat in the agreement about the property tax. A comparison was made with what was going to be put into this. The \$3.4 million was for infrastructure to extend sanitary sewer, water and drainage. No other money was put into a budget.

**Action:** Councilor Euton made a motion, seconded by Councilor Grigar to approve Resolution No. R-1799, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Budget Amendment 14-13 in the amount of \$3,640,270.00, to fund the City's portion of the Rosenberg Business Park, additional awards for the Business Assistance Grant Program, and Police vehicle computer replacements. **The motion carried by a vote of 5 to 1 as follows: Yeses: Mayor Pro Tem McConathy, Councilors Pena, Euton, Grigar and Bolf. No: Councilor Benton.**

12. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1800, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, BUDGET AMENDMENT 14-14 IN THE AMOUNT OF \$6,737,157.00 FOR CERTIFICATES OF OBLIGATION, SERIES 2014 AND GENERAL OBLIGATION BONDS, SERIES 2014.**

**Executive Summary:** During the January 21, 2014 meeting, City Council approved Ordinance No. 2014-02 authorizing and ordering the issuance of General Obligation Bonds, Series 2014 for the Dry Creek Drainage Project in the amount of \$1,565,000.

During the May 20, 2014 meeting, City Council approved Ordinance No. 2014-22 authorizing and ordering the issuance of Certificates of Obligation, Series 2014 for the Lift Station No. 11 Replacement and the Sanitary Sewer Pipe Bursting Projects in the amount of \$5,000,000. Ordinance Nos. 2014-02 and 2014-22 have not been included with this item due to their size. Should City Council wish to review this documentation, it will be available in the City Secretary's office for review.

Budget Amendment 14-14, in the amount of \$6,737,157.00, will record bond proceeds for General Obligation Bonds, Series 2014, and Certificates of Obligation, Series 2014, and fund the capital expenditures for the construction phase of the Dry Creek Drainage Project, Lift Station No. 11 Replacement and the Sanitary Sewer Pipe Bursting Projects.

Budget Amendment 14-14 is included as Exhibit "A" to Resolution No. R-1800. Staff recommends approval of Resolution No. R-1800 as presented.

**Key discussion points:**

- Joyce Vasut gave an overview and explained the background on the item.

**Action:** Councilor Euton made a motion, seconded by Councilor Benton to approve Resolution No. R-1800, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Budget Amendment 14-14 in the amount of \$6,737,157.00 for Certificates of Obligation, Series 2014 and General Obligation Bonds, Series 2014.

**Questions:**

- Councilor Grigar asked what the construction phase of the Dry Creek Drainage Project entailed.
- John Maresh explained that will be another box culvert under Louise Street.

Upon voting the motion carried by a unanimous vote of those present.

13. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1805, A RESOLUTION AUTHORIZING THE APPOINTMENT OF AN INTERIM CITY ATTORNEY.**

**Executive Summary:** This item has been added to the Agenda In order for City Council to discuss and consider the appointment of an Interim City Attorney. Should City Council choose an individual or firm to fulfill this role, the attached Resolution No. R-1805 will accommodate such action.

Once selected, the name of individual or firm will be included in the Resolution under Section 1.

**Key discussion points:**

- Robert Gracia, City Manager gave an overview of the item.
- The general consensus of Council was to retain Denton Navarro Rocha Bernal Hyde & Zech, P.C. as the Interim City Attorney

**Action:** Councilor Euton made a motion, seconded by Councilor Bolf to approve Resolution No. R-1805, a Resolution authorizing the appointment of Denton Navarro Rocha Bernal Hyde & Zech, P.C. as Interim City Attorney. The motion carried by a unanimous vote of those present.

14. **CONSIDER MOTION TO ADJOURN FOR EXECUTIVE SESSION.**

**Action:** Councilor Euton made a motion, seconded by Councilor Grigar to adjourn for Executive Session at 9:08 p.m. The motion carried by a unanimous vote of those present.

15. **HOLD EXECUTIVE SESSION TO CONSULT WITH ATTORNEY TO RECEIVE LEGAL ADVICE ON LEGAL MATTERS PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE; TO DELIBERATE POTENTIAL PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY PURSUANT TO SECTION 551.072 OF THE TEXAS GOVERNMENT CODE; AND, TO DELIBERATE PERSONNEL MATTERS REGARDING THE APPOINTMENT AND EMPLOYMENT OF CITY MANAGER, AND TO DELIBERATE THE EMPLOYMENT, EVALUATION AND DUTIES OF POLICE CHIEF AS AUTHORIZED BY SECTION 551.074 OF THE TEXAS GOVERNMENT CODE.**

An Executive Session was held to consult with attorney to receive legal advice on legal matters pursuant to Section 551.071 of the Texas Government Code; to deliberate potential purchase, exchange, lease, or value of real property pursuant to Section 551.072 of the Texas Government Code; and, to deliberate personnel matters regarding the appointment and employment of City Manager, and to deliberate the employment, evaluation and duties of Police Chief as authorized by Section 551.074 of the Texas Government Code.

16. **ADJOURN EXECUTIVE SESSION, RECONVENE INTO REGULAR SESSION, AND TAKE ACTION AS NECESSARY AS A RESULT OF EXECUTIVE SESSION.**

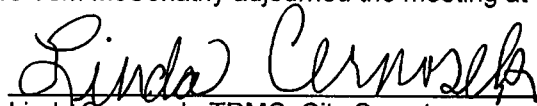
Mayor Pro Tem McConathy adjourned the Executive Session and reconvened into Regular Session at 10:27 p.m.

17. **ANNOUNCEMENTS.**

- A Special Council Meeting will be held on Monday, June 23, 2014 at 6:00 p.m.

18. **ADJOURNMENT.**

There being no further business Mayor Pro Tem McConathy adjourned the meeting at 10:28 p.m.

  
Linda Cernosek, TRMC, City Secretary